

REMARKS

The Applicant acknowledges that the Examiner has withdrawn the prior art rejection, however, new rejections based on indefiniteness and clarity are now being presented. Claims 1, 2, 7-11, 14, 19-23, 28-35 and 37 are pending.

The Examiner provisionally rejected claims 1, 2, 7 and 8 under the non-statutory obviousness-type double patenting doctrine, as being unpatentable over claims 1-12, 42-53 of co-pending Application No. 09/759,566. Applicant respectfully traverses the Examiner's rejections. In the interest of expediency, Applicant has included herein a Terminal Disclaimer with respect to co-pending Application No. 09/759,566 and respectfully requests that the Examiner's rejection of claims 1, 2, 7 and 8 be withdrawn. However, it will be appreciated that the filing of the terminal disclaimer to obviate the Examiner's rejection is not an admission of the propriety of the rejection. *Quad Environmental Technologies Corp. vs. Union Sanitary District*, 946 F.2d 870, 20 USPQ2d 1392 (Fed Cir. 1991). See MPEP §804.03. Applicant respectfully requests the rejection of these claims be withdrawn.

In the present Office Action, the Examiner objected to claims 20-23 for allegedly failing to accomplish the objective as set forth in the preamble. Independent claim 20 has been amended, including the preamble, to more clearly indicate that the method is directed to delivering identification data to a user of a package delivery system. Applicant respectfully requests that the Examiner withdraw the objections to independent claim 20 and also claims 21-23 depending thereon.

The Examiner rejected claims 1, 2, 7, 8, 20-23, 28-35 and 37 under 35 U.S.C. § 112, second paragraph, as being indefinite. With respect to claim 1, the Examiner has indicated that it is unclear where each of the steps is taking place. Claim 1 has been amended to more clearly

indicate that the steps are taking place at a postal location, such as the USPS, FedEx, UPS, private mail room, *etc.* and that what is being scanned at the postal location is a two-dimensional bar code that has been presented by an intended receiver of a package. The scanning of the two-dimensional bar code may be from, for example, a printed paper copy or an electronic image of the two-dimensional bar code. As one example, on page 8 of Applicant's application, the intended receiver may print the two-dimensional bar code on his or her personal printer, which may be scanned at the postal location to decode the previously provided biometric information of the intended receiver. Figure 4 illustrates one example of a printed image of a two-dimensional bar code. In another illustrative example, the two-dimensional bar code may be scanned from an electronic image displayed on the screen of electronic device, such as an intended receiver's personal digital assistant (PDA). Other scenarios are possible as well that would facilitate the scanning of a two-dimensional bar code at the postal location.

The Examiner has indicated several aspects of claim 20 believed to be unclear. Claim 20 has been amended, including the preamble to more clearly indicate that the method is directed to delivering identification data to a user of a package delivery system. As amended, claim 20 recites that a notification is received that the user has ordered a package. The notification may take any number of forms, such as, for example, an email, an electronic signal, telephone call, paper invoice, *etc.* In response to the notification, the two-dimensional bar code is electronically transmitted to the user.

Although the method of claim 20 is applicable to any number of users, claim 20 only identifies a single user. In the first instance, biometric information and recipient information is received from a user. In the context of the claim, the biometric information and the recipient information are received from the same user. This has to be the case because only a single user

has been introduced. In other elements, user is identified as "the user," as is traditionally done in claim language to make clear that that reference is being made to the same user previously introduced in the claim. Applying this principle to the phrase "decoded to recover at least the user's previously provided biometric information," it is clear that the decoded biometric information is the biometric information received from the same user identified earlier in the claim.

Claim 22 has been amended and is believed to now be sufficiently clear. Claim 23 stands rejected as allegedly not having antecedent basis for the term "the biometric information." Applicant respectfully traverses this rejection as this term is introduced in independent claim 20, thus providing the requisite antecedent basis. Claim 20 recites that biometric information is received from a user. Dependent claim 23 recites that the received biometric information may include, for example, data related to at least one of the user's facial features, the user's voice print, the user's fingerprint, the user's signature, and the user's handprint. In the interest of clarification, the previously provided biometric information can only include the biometric information received from the user. It is not possible to encode biometric information that has not yet been received. However, the biometric information that is ultimately encoded into a two-dimensional bar code may only include a subset of the biometric information received from the user. For example, finger print and voice print data may be received from a user, but depending upon the particular application, it may be that only the finger print data is encoded into a two-dimensional bar code. It should be clear, however, that it would only be possible to encode biometric information that has been received (i.e., previously provided).

For at least these reasons, Applicant respectfully requests that the Examiner withdraw the § 112 rejections of independent claims 1 and 20 and also claims 2, 7, 8, 28-35 and 21-23, 37 depending thereon, respectively.

The Examiner rejected claims 9-14, 19, and 28-35 under 35 U.S.C. § 101 as being directed to non-statutory subject matter, as allegedly being drawn to an apparatus which is limited to structural limitations only. The Examiner has indicated that claims 9-14 and 19, 28-35 are drawn to an apparatus. It is believed that the Examiner has mistakenly included claims 28-35 with this rejection, as these claims are dependent on independent claim 1 which is directed to a method. Applicant will assume the rejection only applies to claims 9-14, 19 and respond accordingly.

Claims 9 and 10 have been amended to more clearly indicate that structural limitation are being claimed as opposed to human body parts. More specifically, "notifier" has been amended to "notification unit" and "presenter" has been amended to "presentation unit." Applicant, therefore, respectfully requests that the Examiner withdraw the § 101 rejection to independent claim 9 and claims 10 and 19, depending thereon.

Applicant believes this reply to be fully responsive to all outstanding issues and, in light of the amendments and arguments presented above, Applicant respectfully asserts that the pending claims are allowable. Accordingly, a Notice of Allowance is respectfully solicited.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Houston, Texas, telephone number (713) 934-4079 to discuss the steps necessary for placing the application in condition for allowance.

Respectfully submitted,

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